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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION TO
MAKE SPECIAL

SMART AND BIGGAR
438 UNIVERSITY AVENUE
SUITE 1500 BOX 111
TORONTO ON M5G2K-8 CA CANADA

In re Application of

Xin Jin, et al.

Application No. 10/787,097

Filed: February 27, 2004

For: **METHOD AND APPARATUS FOR
OPTIMIZING TRANSMITTER POWER
EFFICIENCY**

This is a decision on the petition filed October 5, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.


The petition under Manual of Patent Examination Procedure §708.02, VIII, must:

- (1) be filed prior to receiving any examination by the examiner,
- (2) be accompanied by the required fee- \$130,
- (3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
- (4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
- (5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
- (6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petition does not fulfill the requirement in item (6) above. For a successful petition pursuant to 37 C.F.R. §1.102 and specifically, MPEP §708.02 (VIII) Accelerated Examination, the petition must fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111(b) and (c), how the claimed subject matter is patentable over the references. With respect to the subject petition, applicants have provided information regarding the distinction between the claims and the cited art, but have failed to specifically point out the patentable novelty that the claims present in view of the state of the art disclosed by the references cited.

For the above stated reasons, the petition is **DENIED**.

Should applicant desire reconsideration, he/she should supplement this petition by a declaration or statement under oath giving the information as outlined above. No further petition fee is required. Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision.



Dwayne Bost
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Technology Center 2600
Communications